

AMENDED IN ASSEMBLY SEPTEMBER 1, 2015

AMENDED IN SENATE MAY 12, 2015

AMENDED IN SENATE APRIL 15, 2015

SENATE BILL

No. 750

Introduced by Senator Mendoza

February 27, 2015

An act to amend Sections ~~313.1, 313.2, and 51461~~ *313.1 and 313.2* of the Education Code, relating to English language education.

LEGISLATIVE COUNSEL'S DIGEST

SB 750, as amended, Mendoza. English language education: English learners: ~~State Seal of Biliteracy~~ *learners*.

(1) Existing law requires each school district that has one or more pupils who are English learners, and, to the extent required by federal law, a county office of education and a charter school, to assess the English language development of each of those pupils in order to determine the pupil's level of proficiency. Existing law requires the State Department of Education, with the approval of the State Board of Education, to establish procedures for conducting the assessment and for the reclassification of a pupil from English learner to English proficient.

Existing law defines "long-term English learner" as an English learner who is enrolled in any of grades 6 to 12, inclusive, has been enrolled in schools in the United States for more than 6 years, has remained at the same English language proficiency level for 2 or more consecutive years as determined by a specified English language development test, or any successor test, and scores far below basic or below basic on a

certain English language arts standards-based achievement test, or any successor test.

This bill would revise that definition to instead mean, except as specified, an English learner who is enrolled in any of grades 6 to 12, inclusive, who has been enrolled in schools in the United States for 6 years or more, has remained at the same English language proficiency level for 2 or more consecutive prior years, or has regressed to a lower English language proficiency level, as determined by the specified English language development test, or *a score determined by the Superintendent of Public Instruction on any successor test*, and, for a pupil in any of grades 6 to 9, inclusive, scored far below basic or below basic on the specified English language arts standards-based achievement test, or ~~an equivalent~~ *a score determined by the Superintendent on any successor test*. *The bill would encourage the Superintendent to revisit the score determined for any successor test after 3 years of assessment data on the successor test.*

(2) Existing law defines an “English learner at risk of becoming a long-term English learner” as an English learner who is enrolled in any of grades 5 to 11, inclusive, in schools in the United States for 4 years, scores at the intermediate level or below on the specified English language development test, or any successor test, and scores in the 4th year at the below basic or far below basic level on a certain English language arts standards-based achievement test, or any successor test.

This bill would revise that definition to instead mean, except as specified, an English learner who is enrolled in any of grades 3 to 12, inclusive, in schools in the United States for 4 to 5 years, scored at the intermediate level or below on the specified English language development test, or *a score determined by the Superintendent on any successor test*, and, for a pupil in any of grades 3 to 9, inclusive, scored in the 4th or 5th year at the below basic or far below basic level on the specified English language arts standards-based achievement test, or ~~an equivalent~~ *a score determined by the Superintendent on any successor test*. *The bill would encourage the Superintendent to revisit the score determined for any successor test after 3 years of assessment data on the successor test.*

(3) Existing law requires the department to annually ascertain and provide to school districts and schools the number of pupils in each school district and school, as specified, who are, or are at risk of becoming, long-term English learners.

This bill would also require the department to post *on the department's Internet Web site* the number of long-term English learners and English learners at risk of becoming long-term English learners in the state.

~~(4) Existing law requires the Superintendent of Public Instruction to award a State Seal of Biliteracy. Existing law provides that the State Seal of Biliteracy certifies attainment of a high level of proficiency by a graduating high school pupil in one or more languages, in addition to English, and certifies that the graduate meets specified criteria, including, but not limited to, passing the California Standards Test in English language arts administered in grade 11 at the proficient level or above.~~

~~This bill would add to that criterium relating to the California Standards Test in English language arts the alternative option of scoring a level 3 or higher on the California Assessment of Student Performance and Progress in English language arts administered in grade 11, or an equivalent score on any successor test.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 313.1 of the Education Code is amended
2 to read:
3 313.1. For purposes of this article, the following terms have
4 the following meanings:
5 (a) (1) “Long-term English learner” means an English learner
6 to which all of the following apply:
7 (A) Is enrolled in any of grades 6 to 12, inclusive.
8 (B) Has been enrolled in schools in the United States for six
9 years or more.
10 (C) Has remained at the same English language proficiency
11 level for two or more consecutive prior years, or has regressed to
12 a lower English language proficiency level, as determined by the
13 English language development test identified or developed pursuant
14 to Section 60810, or *a score determined by the Superintendent on*
15 any successor test.
16 (D) For a pupil in any of grades 6 to 9, inclusive, has scored far
17 below basic or below basic on the prior year’s English language
18 arts standards-based achievement test administered pursuant to

1 Section 60640, or ~~an equivalent~~ *a score determined by the*
2 *Superintendent* on any successor test.

3 (2) A pupil for which the required testing results are not
4 available for either subparagraph (C) or (D) of paragraph (1) shall
5 not have that criteria applied and such pupil shall not be excluded
6 based on that criteria.

7 (b) (1) “English learner at risk of becoming a long-term English
8 learner” means an English learner to which all of the following
9 apply:

10 (A) Is enrolled in any of grades 3 to 12, inclusive.

11 (B) Has been enrolled in schools in the United States for four
12 to five years.

13 (C) Has scored at the intermediate level or below on the prior
14 year’s English language development test identified or developed
15 pursuant to Section 60810, or *a score determined by the*
16 *Superintendent* on any successor test.

17 (D) For a pupil in any of grades 3 to 9, inclusive, has scored in
18 the fourth or fifth year at the below basic or far below basic level
19 on the prior year’s English language arts standards-based
20 achievement test administered pursuant to Section 60640, or ~~an~~
21 ~~equivalent~~ *a score determined by the Superintendent* on any
22 successor test.

23 (2) A pupil for which the required testing results are not
24 available for either subparagraph (C) or (D) of paragraph (1) shall
25 not have that criteria applied and such pupil shall not be excluded
26 based on that criteria.

27 (3) *The Superintendent is encouraged to revisit a score*
28 *determined for any successor test pursuant to subparagraphs (C)*
29 *and (D) of paragraph (1) of subdivision (a) and subparagraphs*
30 *(C) and (D) of paragraph (1) of this subdivision after three years*
31 *of assessment data on the successor test.*

32 SEC. 2. Section 313.2 of the Education Code is amended to
33 read:

34 313.2. (a) The department shall annually ascertain the number
35 of pupils in each school district and school, including a school that
36 is within the jurisdiction of a county office of education and a
37 charter school, who are, or are at risk of becoming, long-term
38 English learners, as those terms are defined in Section 313.1.

39 (b) The department shall annually provide the information
40 described in subdivision (a) to school districts and schools and

1 post on the department's Internet Web site the number of long-term
2 English learners and English learners at risk of becoming long-term
3 English learners in the state.

4 SEC. 3. ~~Section 51461 of the Education Code is amended to~~
5 ~~read:~~

6 ~~51461. (a) The State Seal of Biliteracy certifies attainment of~~
7 ~~a high level of proficiency by a graduating high school pupil in~~
8 ~~one or more languages, in addition to English, and certifies that~~
9 ~~the graduate meets all of the following criteria:~~

10 ~~(1) Completion of all English language arts requirements for~~
11 ~~graduation with an overall grade point average of 2.0 or above in~~
12 ~~those classes.~~

13 ~~(2) Passing the California Standards Test in English language~~
14 ~~arts administered in grade 11 at the proficient level or above or~~
15 ~~scoring a level 3 or higher on the California Assessment of Student~~
16 ~~Performance and Progress in English language arts administered~~
17 ~~in grade 11 pursuant to Section 60640, or an equivalent score on~~
18 ~~any successor test.~~

19 ~~(3) Proficiency in one or more languages other than English,~~
20 ~~demonstrated through one of the following methods:~~

21 ~~(A) Passing a foreign language Advanced Placement~~
22 ~~examination with a score of 3 or higher or an International~~
23 ~~Baccalaureate examination with a score of 4 or higher.~~

24 ~~(B) Successful completion of a four-year high school course of~~
25 ~~study in a foreign language, and attaining an overall grade point~~
26 ~~average of 3.0 or above in that course of study.~~

27 ~~(C) If no Advanced Placement examination or off-the-shelf~~
28 ~~language test exists and the school district can certify to the~~
29 ~~Superintendent that the test meets the rigor of a four-year high~~
30 ~~school course of study in that foreign language, passing a school~~
31 ~~district language examination that, at a minimum, assesses~~
32 ~~speaking, reading, and writing in a language other than English at~~
33 ~~the proficient level or higher. If a school district offers a language~~
34 ~~examination in a language in which an Advanced Placement~~
35 ~~examination or off-the-shelf language test exists, the school district~~
36 ~~language examination shall be approved by the Superintendent for~~
37 ~~the purpose of determining proficiency in a language other than~~
38 ~~English.~~

39 ~~(D) Passing the SAT II foreign language examination with a~~
40 ~~score of 600 or higher.~~

1 (b) If the primary language of a pupil in any of grades 9 to 12,
2 inclusive, is other than English, he or she shall do both of the
3 following in order to qualify for the State Seal of Biliteracy:
4 (1) Attain the early advanced proficiency level on the English
5 language development test. For purposes of this paragraph, a
6 participating school district may administer the English language
7 development test an additional time as necessary.
8 (2) Meet the requirements of subdivision (a).
9 (c) For languages in which an Advanced Placement test is not
10 available, the Superintendent may provide a listing of equivalent
11 summative tests that school districts may use in place of an
12 Advanced Placement test for purposes of subparagraph (A) of
13 paragraph (3) of subdivision (a). A school district may provide the
14 Superintendent with a list of equivalent summative tests that the
15 district uses in place of an Advanced Placement test for purposes
16 of subparagraph (A) of paragraph (3) of subdivision (a). The
17 Superintendent may use lists received from school districts in
18 developing his or her list of equivalent summative tests.
19 (d) For purposes of this article, “foreign language” means a
20 language other than English, and includes American Sign
21 Language.